IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1515 of 1987

The Board of Trustees of the Port
of Bombay .. Plaintiff

versus

Mr.D.A. Bhiwandiwalla & Anr. .. Defendants

...

Mrs.Motiwala i/b Motiwala & Co. for the plaintiff.

Ms.Sanidha Vedpathak i/b Maneksha & Sethna for defendants.

CORAM : D.G. KARNIK, J

DATED : 13th July 2006.

P.C.:

1. Heard learned counsel for the plaintiff and defendants.

2. The defendants have not filed their written statement in the last nearly 19 years. In the absence of the written statement, averments made in the plaint

are deemed to be admitted.

3. Considering the nature of the suit which is for recovery of money only, I consider it appropriate to exercise powers under Order 8 Rule 5(2) r/w Order 10 Rule 10 of the CPC.

4. Suit of the plaintiff is accordingly decreed in terms of prayer clause (a).

(D.G. KARNIK, J)